

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Crim. No. 11-571 (KSH)
v. :
GEORGE CHEEK : **ORDER**

This matter having been opened to the Court on motion of the United States, by Paul J. Fishman, United States Attorney for the District of New Jersey (Adam N. Subervi, Assistant United States Attorney, appearing), in the presence of Anthony Mack, Esq., attorney for defendant George Cheek, for an order pursuant to Title 18, United States Code, Section 3142(e), detaining defendant Cheek without bail pending trial in the above-entitled matter, and the Court having held a hearing thereon on April 9, 2012, the Court makes the following findings:

1. Defendant Cheek faces severe penalties in the event he is convicted as charged;

2. Defendant Cheek has a significant criminal history involving firearms, violence, controlled substances, as well as multiple instances of bail jumping and probation violations; and

3. Having considered the factors set forth in Title 18, United States Code, Section 3142(g), the Court finds that no condition or combination of bail conditions will reasonably

assure the safety of others in the community or Defendant Cheek's appearance in relation to the instant matter as required.

IT IS, therefore, on this 16th day of April, 2012,

ORDERED, pursuant to Title 18, United States Code, Section 3142, that defendant Cheek be committed to the custody of the Attorney General or his authorized representative pending trial; and it is further

ORDERED, pursuant to Title 18, United States Code, Section 3142(i), that defendant Cheek be confined in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal; and it is further

ORDERED, pursuant to Title 18, United States Code, Section 3142(i), that defendant Cheek be afforded reasonable opportunity for private consultations with counsel; and it is further

ORDERED, pursuant to Title 18, United States Code, Section 3142(i), that, upon order of this or any other court of the United States of competent jurisdiction or on request of an attorney for the United States, defendant Cheek shall be delivered to a United States Marshal for the purpose of appearances in connection with court proceedings; and it is further

ORDERED that the motion of the United States for an order detaining defendant Cheek without bail pending trial is hereby granted, and defendant Cheek is hereby ordered detained pending trial in the above-entitled matter.

Furthermore, taking into account the exercise of diligence, the facts of this case require that new defense counsel be permitted a reasonable amount of time to review the file, file motions, and effectively prepare for trial in this matter; as a result, pursuant to Title 18, United States Code, Section 3161(h)(7), the ends of justice served by granting a continuance outweigh the best interest of the public and the defendant in a speedy trial;

IT IS, therefore, further ORDERED that:

This action be, and hereby is, continued until July 16, 2012, in order to provide new defense counsel a reasonable amount of time to review the file, file motions, and effectively prepare for trial in this matter; and it is further

ORDERED that the calender for this matter shall be revised as follows:

Defense and Government Motions shall be filed no later than: April 24, 2012;

Opposition to motions shall be filed no later than: May 11, 2012;

Oral argument on pending motions is scheduled for June 4, 2012 at 2:00 p.m.;

Trial in this matter will commence on July 16, 2012 at 9:00 a.m.

The period from April 9, 2012 through and including July 16, 2012 shall be excludable in computing time under the Speedy Trial Act of 1974.

/s/ Katharine S. Hayden
KATHARINE S. HAYDEN
United States District Judge